



FREDERICK COUNTY PLANNING COMMISSION
March 15, 2017 7:00 p.m.

TITLE: Limited Tasting Rooms- Wineries,
Breweries and Distilleries

FILE NUMBER: N/A

REQUEST: Bill 17-04 Limited Tasting Rooms Public
Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: N/A

STAFF: Steve Horn, Director, Planning & Permitting
Division

RECOMMENDATION: That the Planning Commission provide a
recommendation to the Frederick County
Council regarding the Text Amendment.

ATTACHMENTS:
Proposed Bill



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division *SH*

Date: February 27, 2017

Subject: Bill 17-04 Limited Tasting Rooms – Wineries, Breweries and Distilleries
Zoning Text Amendment (By: Council President Bud Otis on behalf of the County Executive Jan Gardner)

Issue:

Frederick County Planning Commission review and recommendation to amend the Frederick County Zoning Code Use Table {§1-19-5.310 (A)}, Permitted Uses {§1-19-8.431}, and Definitions {§1-19-11.100}, to allow Limited Winery, Brewery and Distillery Tasting Rooms in the Agriculture and Resource Conservation Zoning Districts.

Background:

Staff from the Office of Economic Development (OED) and the Planning & Permitting Division (PPD) have been collaborating on changes to the Zoning Code in support of the emerging Wineries, Breweries and Distilleries industry.

Frederick County currently has twelve (12) Winery and Brewery tasting rooms located within the Agriculture Zoning District. Eight (8) more Wineries and Breweries are looking to add a tasting room in the near future. Since 2010 the County has approved nine (9) new Winery and Brewery tasting rooms, and we expect this growth to continue.

The County is a Craft Beverage Industry leader in the state: Linganore Winecellars is the largest winery in Maryland; the first Farm Brewery in Maryland opened in 2012 at Milkhouse Brewery; the first Cidery in Maryland opened in 2010 at Distillery Lane Ciderworks; and, the first Meadery in Maryland opened in 2010 at Orchid Cellars Meadery & Winery.

The City of Frederick has added three (3) new Distillery tasting rooms, and we have heard from numerous wineries desiring to make spirits on their farms. This proposed Bill creates opportunities to locate Distilleries in the Agriculture and Resource Conservation Zoning Districts.

OED and PPD staff visited a number of Tasting Rooms in December to thoughtfully consider the challenges encountered by businesses attempting to enter the Craft Beverage Industry. The resulting Bill establishes reasonable square footage thresholds on the size of startup tasting rooms, reduces the regulatory burden by removing the public roadway frontage requirement, and eliminates the need for a site plan on startup tasting rooms meeting the square footage threshold.

The Limited Tasting Rooms text amendment was presented to the Agriculture Business Council (ABC) on Wednesday, February 1, for review and comment. The ABC voted to support the proposed changes with two minor revisions. The members supported including a requirement that the grapes/fruits/grains used in the processing of the beverage be grown on the farm. They also supported provisions in the text that would *not* require that processing be conducted on the farm. This allowance is supportive of an industry trend wherein craft beverage vendors enter into contracts for off-site processing, thereby keeping start-up costs lower. Both of the changes proposed by the ABC have been incorporated into the text of the Bill.

RECOMMENDATION:

That the Frederick County Planning Commission recommend the attached Bill, amending the Frederick County Zoning Code Use Table {§1-19-5.310 (A)}, Permitted Uses {§1-19-8.431}, and Definitions {§1-19-11.100}, thereby allowing for the placement of Limited Winery, Brewery and Distillery Tasting Rooms in the Agriculture and Resource Conservation Zoning Districts.

Attachment
Proposed Bill



Bill No. 17-04
Concerning: Farm distilleries and tasting rooms,
and limited farm brewery, distillery and winery
tasting rooms

Introduced: February 21, 2017

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter 1-19

Section(s) 5,310, 8,431, and 11,100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of the County Executive Jan Gardner

AN ACT to: amend Chapter 1-19 of the Frederick County Code to allow farm distilleries, farm distillery tasting rooms, and limited tasting rooms for farm breweries, wineries, and distilleries in the Agriculture and Resource Conservation zoning districts.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter 1-19

Section(s) 5.310, 8.431, & 11.100

Officer: _____

Boldface
Underlining
[Single boldface brackets]

Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

Bill No. 17-04

Frederick County is a craft beverage industry leader in the State of Maryland. The County currently has 12 farm winery and farm brewery tasting rooms located within the Agriculture Zoning District. Eight more farm wineries and breweries are exploring the option of adding a tasting room in the near future. Since 2010 the County has approved nine new farm winery and brewery tasting rooms, and this growth is expected to continue. In addition, the City of Frederick has recently added three (3) new farm distillery tasting rooms.

This Bill creates a limited tasting room category in support of the emerging farm wineries and breweries and also creates opportunities to locate farm distilleries, distillery tasting rooms, and limited distillery tasting rooms in the Agriculture and Resource Conservation Zoning Districts.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

ARTICLE V. ZONING MAP AND DISTRICT

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Limited agricultural activity			E	E	E	E	E	E						
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	<u>P</u> ***	<u>P</u> ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS
Nursery wholesale	P	P									P		P	P
<u>Farm distillery</u>	<u>P</u> ***	<u>P</u> ***												
<u>Farm distillery tasting room</u>	<u>PS</u> ***	<u>PS</u> ***												
Farm winery	<u>P</u> ***	<u>P</u> ***												
Farm winery tasting room	<u>PS</u> ***	<u>PS</u> ***												
<u>Limited farm alcoholic beverages tasting room</u>	<u>P</u> ***	<u>P</u> ***												
Farm brewery	<u>P</u> ***	<u>P</u> ***												
Farm brewery tasting room	<u>PS</u> ***	<u>PS</u> ***												

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

* * * indicates Existing law unaffected by bill.

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm distillery, farm distillery tasting room, farm winery tasting room, [or] farm brewery tasting room, or limited farm alcoholic beverages tasting room.

ARTICLE VIII. SPECIFIC USE REGULATIONS

DIVISION 4, PERMITTED USES

§ 1-19-8.431. LIMITED FARM ALCOHOLIC BEVERAGES TASTING ROOMS IN THE RESOURCE CONSERVATION AND AGRICULTURAL ZONING DISTRICTS.

The following provisions shall apply to limited farm alcoholic beverages tasting rooms in the Resource Conservation and Agricultural zoning districts.

(A) Minimum setbacks and maximum height are the same as required for Natural Resource uses in the district where the use is proposed.

(B) Parking shall be provided at a rate of one space per 50 square feet of floor area devoted to customer service, excluding food prep and storage area.

(C) Parking shall not be located within setback areas.

(D) These uses shall not be subject to the lot frontage requirements of §1-19-4.520(C).

(E) Amplified musical events shall be held indoors only. Only non-amplified musical events, as approved by the Zoning Administrator and in accordance with § 1-19-8.700, may be held outdoors.

ARTICLE XI. DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100. DEFINITIONS.

FARM ALCOHOLIC BEVERAGES TASTING ROOM, LIMITED. A farm brewery, farm distillery or farm winery may have one accessory structure for the purpose of tasting and retail sales of alcoholic beverages and spirits that are brewed, distilled, or produced on the farm in

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** indicates Existing law unaffected by bill.

Exhibit 1

accordance with this chapter. The accessory structure shall have no more than 1,500 square feet of customer service area devoted to tasting and retail sales of the farm alcoholic beverages. Calculation of the 1,500 square feet devoted to tasting and retail sales will be calculated based on the floor area devoted to customer service, excluding storage.

FARM DISTILLERY. An establishment for the manufacture of distilled spirits produced on the farm on which the farm distillery is located. A farm distillery must have a valid distillery license issued by the state of Maryland, may not distill more than 100,000 gallons of spirits per year, and at least one of the grains/fruits used in the distilled product must be produced on the farm.

FARM DISTILLERY TASTING ROOM. A farm distillery may have one accessory structure for the purpose of sampling alcoholic beverages distilled at the farm. For retail sales of distillery products produced on site the farm distillery must have a valid retail liquor license.

Underlining indicates matter added to existing law.
[Single boldface brackets] indicates matter deleted from existing law.
* * * indicates Existing law unaffected by bill.